

Exhibit B

Sarah R. LaFreniere

From: Atkins, Alden L. <AAtkins@velaw.com>
Sent: Thursday, November 4, 2021 4:10 PM
To: Megan E. Jones
Cc: Seebald, Craig; Schnapp, Brian; Sarah R. LaFreniere; Wesley, Lincoln
Subject: RE: In re Diisocyanates Antitrust Litigation [MB-AME.FID2202300]
Attachments: 2021-10-26 - WCA Final Combined Search Terms.xlsx



Megan, here are our search terms in Excel.

Alden

From: Megan E. Jones <mjones@hausfeld.com>
Sent: Tuesday, November 2, 2021 11:55 AM
To: Sarah R. LaFreniere <SLaFreniere@hausfeld.com>; Atkins, Alden L. <AAtkins@velaw.com>; Wesley, Lincoln <lwesley@velaw.com>
Subject: Re: In re Diisocyanates Antitrust Litigation [MB-AME.FID2202300]

[EXTERNAL]

Alden:

It would be great if we could get an Excel version this week. Is that possible?

Thanks so much,
Megan

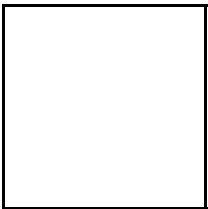
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From: "Sarah R. LaFreniere" <SLaFreniere@hausfeld.com>
Date: Wednesday, October 27, 2021 at 6:59 AM
To: "Atkins, Alden L." <AAtkins@velaw.com>, Megan Jones <mjones@hausfeld.com>
Subject: RE: In re Diisocyanates Antitrust Litigation [MB-AME.FID2202300]

Thank you Alden,

Would you be able to send us an excel version of the document?

Kind regards,
Sarah

SARAH R. LAFRENIERE

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From: Atkins, Alden L. <AAtkins@velaw.com>
Sent: Tuesday, October 26, 2021 8:06 PM
To: Sarah R. LaFreniere <SLaFreniere@hausfeld.com>; Megan E. Jones <mjones@hausfeld.com>
Cc: James Francis <JFrancis@jamsadr.com>; Katie Robinson <KRobinson@jamsadr.com>; Jason Hartley <hartley@hartleyllp.com>; MDI <mdi@hausfeld.com>; William Pietragallo <WP@Pietragallo.com>; Peter St. Tienne Wolff <PSW@Pietragallo.com>; Marovitz, Andrew S. <AMarovitz@mayerbrown.com>; John Terzaken (john.terzaken@stblaw.com) <john.terzaken@stblaw.com>; Streit, Ryan (EXTERNAL CONTACT) <rstreit@paulweiss.com>; Warren, Zachary (EXTERNAL CONTACT) <zwarren@wc.com>
Subject: RE: In re Diisocyanates Antitrust Litigation [MB-AME.FID2202300]

Sarah:

Attached are the search terms that WCA is using.

Alden

From: Atkins, Alden L.

Sent: Friday, October 22, 2021 1:48 PM

To: 'Sarah R. LaFreniere' <SLaFreniere@hausfeld.com>; Megan E. Jones <mjones@hausfeld.com>

Cc: James Francis <JFrancis@jamsadr.com>; Katie Robinson <KRobinson@jamsadr.com>; Jason Hartley <hartley@hartleyllp.com>; MDI <mdi@hausfeld.com>; William Pietragallo <WP@Pietragallo.com>; Peter St. Tienne Wolff <PSW@Pietragallo.com>; Marovitz, Andrew S. <AMarovitz@mayerbrown.com>; John Terzaken (john.terzaken@stblaw.com) <john.terzaken@stblaw.com>; Streit, Ryan (EXTERNAL CONTACT) <rstreit@paulweiss.com>; Warren, Zachary (EXTERNAL CONTACT) <zwarren@wc.com>

Subject: RE: In re Diisocyanates Antitrust Litigation [MB-AME.FID2202300]

Sarah:

Thanks for your email. The Defendants are at various stages of finalizing their search terms, but I anticipate that all of the Defendants will send you their search terms by the end of next week.

Alden

From: Sarah R. LaFreniere <SLaFreniere@hausfeld.com>

Sent: Monday, October 18, 2021 11:37 AM

To: Atkins, Alden L. <AAtkins@velaw.com>; Megan E. Jones <mjones@hausfeld.com>

Cc: James Francis <JFrancis@jamsadr.com>; Katie Robinson <KRobinson@jamsadr.com>; Jason Hartley <hartley@hartleyllp.com>; MDI <mdi@hausfeld.com>; William Pietragallo <WP@Pietragallo.com>; Peter St. Tienne Wolff <PSW@Pietragallo.com>; Marovitz, Andrew S. <AMarovitz@mayerbrown.com>; John Terzaken (john.terzaken@stblaw.com) <john.terzaken@stblaw.com>; Streit, Ryan (EXTERNAL CONTACT) <rstreit@paulweiss.com>; Warren, Zachary (EXTERNAL CONTACT) <zwarren@wc.com>

Subject: RE: In re Diisocyanates Antitrust Litigation [MB-AME.FID2202300]

[EXTERNAL]

Alden,

Thank you for your response.

When can we expect to see the terms Defendants are using?

Kind regards,
Sarah

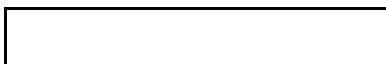
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From: Atkins, Alden L. <AAtkins@velaw.com>
Sent: Friday, October 8, 2021 6:31 PM
To: Megan E. Jones <mjones@hausfeld.com>
Cc: James Francis <JFrancis@jamsadr.com>; Katie Robinson <KRobinson@jamsadr.com>; Jason Hartley <hartley@hartleyllp.com>; MDI <mdi@hausfeld.com>; William Pietragallo <WP@Pietragallo.com>; Peter St. Tienne Wolff <PSW@Pietragallo.com>; Marovitz, Andrew S. <AMarovitz@mayerbrown.com>; John Terzaken <john.terzaken@stblaw.com> <john.terzaken@stblaw.com>; Streit, Ryan (EXTERNAL CONTACT) <rstreit@paulweiss.com>; Warren, Zachary (EXTERNAL CONTACT) <zwarren@wc.com>
Subject: RE: In re Diisocyanates Antitrust Litigation [MB-AME.FID2202300]

Megan:

Thank you for your email and proposed search terms. The Defendants are analyzing the search terms they previously proposed, Plaintiffs' earlier proposed terms, and the terms attached to your email. The Defendants are likely to add search terms, including some of the ones Plaintiffs proposed on Monday. As we have said several times, each Defendant will disclose the final terms it is using.

As for your discussion of testing, we will test the search terms in conformance with the procedure proposed by Judge Francis. The Court said in its September 21 order (p. 2) that "Defendants are to proceed as they have outlined in their submissions forthwith," and Defendants are doing so. As part of those procedures, Defendants will include the null set (*i.e.*, the documents removed by search terms) in their elusion test, the purpose of which is to test the search terms. You suggest that Defendants should perform additional testing of search terms (beyond the testing we have already done), but (a) further testing was not part of the procedures in Judge Francis's proposal, which the Court told Defendants to follow, (b) search term testing—in particular Plaintiffs' preferred form of it—was not in the heavily negotiated ESI protocol, (c) neither Plaintiffs nor Defendants included search term testing in their proposed TAR protocols, and (d) the testing Plaintiffs did of the search terms they are using is exactly the same as the testing Defendants have done of the most overbroad search terms Plaintiffs proposed, which confirms that further testing is not required. In addition, Plaintiffs' demands regarding TAR procedures and search terms have delayed discovery by nearly a year, and we do not intend to add several more weeks of delay.

As for retaining the documents and categories of information you requested, the Defendants are retaining them. Although your email refers to the information and documents that we asked Plaintiffs to retain, you did not confirm that Plaintiffs are actually retaining them. Please confirm that you are.

Best regards,

Alden

From: Megan E. Jones <mjones@hausfeld.com>
Sent: Monday, October 4, 2021 11:25 PM
To: Atkins, Alden L. <AAtkins@velaw.com>

Cc: James Francis <JFrancis@jamsadr.com>; Katie Robinson <KRobinson@jamsadr.com>; Jason Hartley <hartley@hartleyllp.com>; MDI <mdi@hausfeld.com>; William Pietragallo <WP@Pietragallo.com>; Peter St. Tienne Wolff <PSW@Pietragallo.com>; Marovitz, Andrew S. <AMarovitz@mayerbrown.com>; John Terzaken (john.terzaken@stblaw.com) <john.terzaken@stblaw.com>; Streit, Ryan (EXTERNAL CONTACT) <rstreit@paulweiss.com>; Warren, Zachary (EXTERNAL CONTACT) <zwarren@wc.com>
Subject: Re: In re Diisocyanates Antitrust Litigation [MB-AME.FID2202300]

[EXTERNAL]

Alden,

Please find attached a revised search term proposal. You will see we deleted a substantial number of terms from our last proposal. We believe this represents a good faith attempt to reach a compromise with Defendants.

What remains unresolved between the parties is Defendants' continued refusal to test search terms. As the Court held in adopting Judge Francis's Report and Recommendation in full, without testing, Defendants could not, and still cannot, assess whether their "search strings leave behind significant numbers of responsive documents captured by the plaintiffs' terms," nor whether they would "capture a reasonable proportion of the responsive documents." The Court also recognized that testing search terms is routinely required by Courts, even where TAR is used. Accordingly, this search term proposal is served without prejudice, and, only on the basis that Defendants will agree to test search terms in accordance with 1) their Rule 26(g) obligations, and 2) Judge Francis' Report and Recommendation.

In addition, in making this proposal Plaintiffs are not suggesting that by using these search terms Defendants have met their obligations under the Federal Rules and the ESI protocol, including to identify and produce relevant and responsive documents. As the producing party, it is Defendants' obligation to conduct a reasonable search that complies with their obligations under the Federal Rules.

If, like Plaintiffs, you believe that you can propose additional modifications that could realistically lead to an agreement between the parties (rather than simply telling us again that our terms are not relevant), we would be happy to meet and confer about these terms.

Finally, our email below requested Defendants preserve certain categories of documents—which Defendants have now also asked Plaintiffs to preserve too. Please confirm that you are preserving the categories of documents and information in my email of September 24, below.

Thanks,
Megan

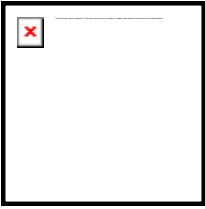
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From: "Atkins, Alden L." <AAtkins@velaw.com>
Date: Wednesday, September 29, 2021 at 3:21 PM
To: Megan Jones <mjones@hausfeld.com>
Cc: James Francis <JFrancis@jamsadr.com>, Katie Robinson <KRobinson@jamsadr.com>, Jason Hartley <hartley@hartleyllp.com>, MDI <mdi@hausfeld.com>, William Pietragallo <WP@Pietragallo.com>, "Peter St. Tienne Wolff" <PSW@Pietragallo.com>, Andrew Marovitz <AMarovitz@mayerbrown.com>, "John Terzaken (john.terzaken@stblaw.com)" <john.terzaken@stblaw.com>, "Streit, Ryan (EXTERNAL CONTACT)" <rstreit@paulweiss.com>, "Warren, Zachary (EXTERNAL CONTACT)" <zwarren@wc.com>
Subject: RE: In re Diisocyanates Antitrust Litigation [MB-AME.FID2202300]

Megan:

I am writing in response to your email below regarding the TAR process and Search Term Disclosures.

TAR process

I confirm what we have already confirmed to the Court in our briefs and in my declarations—BASF Corporation, Covestro LLC, The Dow Chemical Company, Huntsman International and Wanhua Chemical (America) Co., Ltd. (collectively “the TAR Defendants”) will be using the TAR procedures they proposed as supplemented and modified by the Special Master’s Mediation proposal attached as Exhibit D to my September 3 declaration. If we find we need to vary the procedures, we will advise you.

Search Term Disclosure

The TAR Defendants are starting with the search terms they most recently proposed during the parties’ negotiations, which you have correctly identified as column G of ECF No. 457-A. As we told the Court, the TAR Defendants are considering whether to add search terms, in which case we will disclose those search terms to Plaintiffs.

You ask if it would be fruitful to meet and confer about search terms. As you know, we met and conferred with Plaintiffs many times about search terms, but Plaintiffs refused to make any meaningful revisions to their proposed search terms. If you have a narrowly tailored search term proposal that could realistically lead to an agreement between the parties (rather than simply telling us again that you want us to use your overbroad search terms), we of course will consider it and would discuss it with you. However, we will not delay the commencement of our reviews to engage in

more rounds of meeting and conferring, so we request that you provide any narrowly tailored search terms you propose no later than October 4.

Best regards,

Alden

Alden L. Atkins

Partner



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From: Marovitz, Andrew S. <AMarovitz@mayerbrown.com>

Sent: Wednesday, September 29, 2021 5:39 PM

To: Megan E. Jones <mjones@hausfeld.com>; Atkins, Alden L. <AAtkins@velaw.com>; John Terzaken (john.terzaken@stblaw.com) <john.terzaken@stblaw.com>; Streit, Ryan (EXTERNAL CONTACT) <rstreit@paulweiss.com>; Warren, Zachary (EXTERNAL CONTACT) <zwarren@wc.com>

Cc: James Francis <JFrancis@jamsadr.com>; Katie Robinson <KRobinson@jamsadr.com>; Jason Hartley <hartley@hartleyllp.com>; MDI <mdi@hausfeld.com>; William Pietragallo <WP@Pietragallo.com>; Peter St. Tienne Wolff <PSW@Pietragallo.com>

Subject: RE: In re Diisocyanates Antitrust Litigation [MB-AME.FID2202300]

[EXTERNAL]

Dear Megan:

I'm writing to follow-up with our views on the upcoming schedule, as you requested on Friday. I'm on the road, so you will receive information in response to your other questions separately.

In light of the Court's September 21, 2021 Order, counsel for the Domestic Defendants have consulted with their clients as well as with their vendors to determine the amount of time it will take to identify, review and then produce documents consistent with the ESI/search process confirmed by the Order. Following that consultation, we wanted to share with you that we believe we can begin rolling the ESI production no later than December 20, 2021 (90 days following the Court's Order) and that we intend to substantially complete that production by March 21 (about 180 days following the Court's Order). This assumes the absence of unforeseen circumstances or further challenges from Plaintiffs that would impact these dates. Please let us know when Plaintiffs will begin to roll their ESI productions and substantially complete them, consistent with the Court's Order.

Thanks, and very best.

- Andy

Andrew S. Marovitz

Partner

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From: Marovitz, Andrew S.

Sent: Monday, September 27, 2021 5:11 PM

To: Megan E. Jones <mjones@hausfeld.com>; Atkins, Alden (EXTERNAL CONTACT) <AAtkins@velaw.com>; John Terzaken (john.terzaken@stblaw.com) <john.terzaken@stblaw.com>; Streit, Ryan (EXTERNAL CONTACT) <rstreit@paulweiss.com>; Warren, Zachary (EXTERNAL CONTACT) <zwarren@wc.com>

Cc: James Francis <JFrancis@jamsadr.com>; Katie Robinson <KRobinson@jamsadr.com>; Jason Hartley <hartley@hartleyllp.com>; MDI <mdi@hausfeld.com>; William Pietragallo <WP@Pietragallo.com>; Peter St. Tienne Wolff <PSW@Pietragallo.com>

Subject: RE: In re Diisocyanates Antitrust Litigation [MB-AME.FID2202300]

Megan:

Thanks for your e-mail from Friday afternoon. Defense counsel are considering it and we will be back to you shortly, likely by Wednesday. Very best.

- Andy

Andrew S. Marovitz

Partner

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From: Megan E. Jones <mjones@hausfeld.com>

Sent: Friday, September 24, 2021 4:24 PM

To: Atkins, Alden (EXTERNAL CONTACT) <AAtkins@velaw.com>; Marovitz, Andrew S. <AMarovitz@mayerbrown.com>; John Terzaken (john.terzaken@stblaw.com) <john.terzaken@stblaw.com>; Streit, Ryan (EXTERNAL CONTACT) <rstreit@paulweiss.com>; Warren, Zachary (EXTERNAL CONTACT) <zwarren@wc.com>
Cc: James Francis <JFrancis@jamsadr.com>; Katie Robinson <KRobinson@jamsadr.com>; Jason Hartley <hartley@hartleyllp.com>; MDI <mdi@hausfeld.com>; William Pietragallo <WP@Pietragallo.com>; Peter St. Tienne Wolff <PSW@Pietragallo.com>
Subject: Re: In re Diisocyanates Antitrust Litigation

Dear Counsel:

In light of the Court's order (ECF No. 545), Plaintiffs are writing to confirm a few material aspects. We kindly ask that you circulate this to Defendants on your side if we have left anyone off this email.

Confirm TAR process: Plaintiffs are writing to confirm that Defendants BASF Corporation, Covestro LLC, The Dow Chemical Company, Huntsman Corporation, Huntsman International LLC, and Wanhua Chemical (America) Co., Ltd. will be using the Special Master's Mediation proposal attached as Exhibit D to the Declaration of Alden Atkins (Sept. 3, 2021), ECF No. 523-6, as their TAR procedures ordered by Judge Ambrose.

Confirm Search Term Disclosure: In addition, Plaintiffs wanted to confirm that in accordance with paragraph 15 September 13, 2021 Declaration of Alden Atkins (ECF No. 543), each Defendant will disclose to Plaintiffs the search terms that it uses. In particular, Plaintiffs understand that Defendants will be using the search terms in column "G" of ECF No. 457-A, titled "Defendants' Proposed Revisions." If this is not the case, please let us know which search terms each Defendant intends to use. Regarding search terms, please let us know if you believe it would be fruitful to meet and confer about the search terms each Defendant intends to use.

Any Variation Must Be Disclosed: Further, if anything else represented in your briefing, (ECF Nos. 532, 544, and accompanying declarations) is incorrect or has changed, please let us know. Plaintiffs also request that you inform us if Defendants vary the process that has been disclosed to the Court.

Foreign Defendant Process: To the extent any foreign Defendants will be using the same search terms and/or TAR procedures, please let us know.

Request for Preservation: In addition to the above, Plaintiffs also request that each Defendant preserve the following information until the conclusion of the discovery disputes in this case: the search terms used; documents not hitting on Defendants' chosen set of search terms; the document set used to initiate the review (*i.e.* the seed set or documents used for the initial prevalence/richness sample); the bates numbers of responsive documents in the initial seed set/prevalence sample; the size of the collections run through TAR; the document set used to conduct any validation and/or elusion testing; and the responsive documents identified through any validation and/or elusion testing.

Schedule: Finally, Defendants announced during the status conference on September 20th that they would be proposing a schedule or timeline for discovery shortly. Please let us know when we can expect your proposal.

Please respond by Monday close of business about the first 2 items.

Thanks, and have a great weekend,
Megan

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Thank You.
